

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

1 LUBRICANTES VENOCO
2 INTERNACIONAL, C.A.,

3 Plaintiff,

4
5 v.

6 PEREZ & CIA. DE PUERTO RICO,
7 INC.; FREDDY SANTANA,
8 et al.,

9 Plaintiffs-Intervenors,

10 v.

11 M/V RIO NEVERI, her engines,
12 furniture, apparel, etc., in
13 rem; Lima-Sol Shipowners;
14 Shipco Marine Management, and
15 Coralita Shipping Co., Ltd., in
16 personam.

17 Defendants.

Civil No. 98-1765 (JAF)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

18 AMENDED ORDER FOR INTERLOCUTORY SALE

19 A Status Conference was held today, and the parties agreed to
20 the entry of this Order for Interlocutory Sale.

21 Upon motion by Lubricantes Venoco Internacional C.A., and
22 unopposed by the other Plaintiffs-Intervenors, for the Interlocutory
23 Sale of the defendant vessel the M/V RIO NEVERI, together with its
24 tackle, apparel, engines, furniture, machinery, appurtenances,
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1 equipment, etc. (hereinafter "the M/V RIO NEVERI"), and for good
2 reason being shown therefor, it is now **ORDERED**:

3 1. Pursuant to Supplemental Rule E(9)(b) and Local Rule 603.4,
4 the United States Marshal for the District of Puerto Rico is hereby
5 authorized to sell the M/V RIO NEVERI, together with its tackle,
6 apparel, engines, furniture, machinery, appurtenances, equipment,
7 etc., at public auction to take place at the U.S. Marshal's Office,
8 Federico Degetau Federal Building, Room 200, 150 Carlos Chardón
9 Avenue, Hato Rey, Puerto Rico, to the highest bidder, free and clear
10 of all liens and pre-existing claims in the defendant vessel.

12 2. It is further **ORDERED**, that the notice of the sale of the
13 M/V RIO NEVERI shall be made by advertisement in a daily newspaper of
14 general circulation in Puerto Rico, at least twice the first
15 publication, to be made at least seven (7) days prior to the date of
16 the sale and the second publication to be made at least three (3)
17 days prior to the date of the sale as set forth in Local Rule 603.
18 The minimum sale price shall be THREE HUNDRED AND FIFTY THOUSAND
19 DOLLARS (\$350,000.00).
20

21 3. It is further **ORDERED**, that A.L. Burbank (Shipbrokers)
22 Ltd., perform an appraisal of the vessel and assist in the
23 advertising and/or sale of the vessel, and that the costs of such
24 services, in an amount not to exceed EIGHT THOUSAND DOLLARS
25 (\$8,000.00), be deemed an administrative expense.
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1 4. It is further **ORDERED**, that the U.S. Marshal be authorized
2 to accept a deposit of ten percent (10%) of the amount bid for the
3 said vessel, upon condition that the balance of the bid is paid on
4 the date that the sale is confirmed, and upon condition that the
5 deposit shall be forfeited by the bidder and applied to the cost of
6 this action, if the balance of the bid is not paid when due. If the
7 sale should not be confirmed, the U.S. Marshal shall return the
8 deposit to the highest bidder immediately after rejection of the bid
9 by the court.
10

11 5. It is further **ORDERED**, that the U.S. Marshal is authorized
12 to receive necessary advances to advertise and carry out the sale
13 while the vessel is in the custody of the court.

14 6. It is further **ORDERED**, that the U.S. Marshal shall bring
15 the proceeds of such sale into the registry of the court and deposit
16 the same with the Clerk pending final disposition of all *in rem*
17 claims and actions filed.
18

19 7. It is further **ORDERED**, that subject to final confirmation
20 of the sale, the following debts/charges shall be paid in the
21 following order: (a) unpaid charges taxed by the U.S. Marshal,
22 including charges for the sale, including insurance premiums for the
23 United States Marshals Service Policy of Insurance Legal Liability
24 Port Risk Hull & Machinery Including P & I and Cargo owed for the
25 period from May 1999 until the release of the vessel. If for some
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1 reason the vessel is not sold, then the plaintiffs and intervenors
2 are responsible for those premiums referred to above; (b) the amount
3 of ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000.00) to be paid to
4 the salvor of the vessel Dimitris Kalogerakis for his services in
5 connection with the refloatation of the vessel, and the expenses
6 incurred by the substitute custodian during the refloatation efforts
7 and securing the vessel for the hurricane season, subject to this
8 court's approval; (c) an amount of EIGHT THOUSAND DOLLARS (\$8,000.00)
9 to be paid to A.L. Burbank (Shipbrokers) Ltd., for their services in
10 connection with the advertising and sale of the vessel;
11 (d) payments/charges paid by the arresting party or intervenors for
12 the arrest of the vessel, including but not limited to, fees paid the
13 U.S. Marshal, and funds actually paid to the substitute custodian;
14 (e) the custodian of record or other person entitled to reimbursement
15 of his fees, dockage, insurance, security, and like charges shall
16 make claim for payment against the proceeds by petition filed no
17 later than ten (10) days after confirmation of the sale. All
18 remaining proceeds of the sale of the M/V RIO NEVERI shall be
19 deposited in the registry of the court and placed in an interest-
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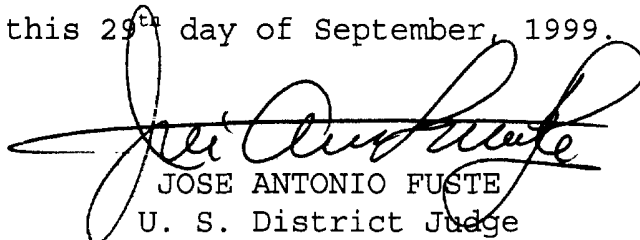
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bearing account pending further disposition in Civil Action No. 98-1765 (JAF).

IT IS SO ORDERED.

San Juan, Puerto Rico, this 29th day of September, 1999.



JOSE ANTONIO FUSTE
U. S. District Judge

afcs:USM